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Patent

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher F. Claiborne, et al.

Serial No.: 09/741,388

Case No.: 20282DA

Filed: December 20, 2000

For: SUBSTITUTED IMIDAZOLES HAVING CYTOKINE  
INHIBITORY ACTIVITY

Art Unit:

1625

Examiner:

P.L. Morris

The Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

### RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement mailed November 16, 2001 for which the deadline to respond is December 16, 2001, Applicants respectfully submit that it will not be burdensome for the Examiner to include Claims 5-13, dependent from Claim 1, in the present prosecution because a search for compounds according to formula (I) wherein X represents nitrogen would uncover any uses and preparations of such compounds. Accordingly, Applicants respectfully request that Claims 5-13, dependent from Claim 1 as amended, remain in the present application. In any event, Applicants respectfully elect Claims 1, 2, and 4 without prejudice to their pursuit of any unelected subject matter in any continuing or divisional application.

Attorney for Applicants can be reached at the telephone number and address

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

MERCK & CO., INC.

By John M. Lee Date 21 Nov. 2001